


***DRAFT Action/Summary Minutes***  
**Regular City Council Meeting**  
**City Council Chambers, Sedona City Hall, Sedona, Arizona**  
**Wednesday, March 10, 2010, 4:30 p.m.**


1.  **Call to Order/Pledge of Allegiance:** Mayor Adams called the meeting to order at 4:30 p.m.

➤ **Reading of Citys Vision Statement:** Vice Mayor Hamilton read the Vision Statement.

2. **Roll Call: Members present:** Mayor Rob Adams, Vice Mayor Cliff Hamilton, Councilor Pud Colquitt, Councilor Mark DiNunzio, Councilor Jerry Frey, Councilor Nancy Scagnelli, and Councilor Dan Surber.

**Staff present:** City Manager Tim Ernster, Assistant City Manager Alison Zelms, City Attorney Mike Goimarac, Community Development Director John OBrien, Interim Police Chief Jim Driscoll, Administrative Services Director Andi Welsh, Associate Planner Kathy Levin, Senior Information Referral Specialist Anne Leap, City Clerk Randy Reed and Recording Secretary Alison Carney.

**3. Summary of Current Events by Mayor/Council/City Manager.**

 Tim Ernster stated Randy Reed, the new City Clerk has over 20 years experience in the city clerk business. We feel fortunate to have him part of our team now. Last week there was a meeting with the Red Rock State Park benefactors group in Cottonwood in Yavapai County Board of Supervisor Davis office to talk about keeping the park open. Right now its scheduled to close June 3. Davis is willing to provide funding to keep Red Rock State Park open. The money he has isnt sufficient to fully fund keeping the park open. Theres a short-term alternative for a partnership with the County and cities to make up the deficit from June 3 to November. There might be a bill on the ballot to add a \$12 fee to your license plate fee. That bill is currently in the legislature. The other approach is longer-term. The deficit is \$112,000 so weve all agreed to look at possible alternatives for working together to come up with that difference. Well have more information for Council at a future meeting. There is a group thats been meeting to talk about this issue. Wed like to give Council a legislative update at Council meetings.

Alison Zelms stated the two things both have to do with state parks. One is HCR2040. That would be on the ballot in November that could increase the vehicle registration fee by \$12. \$9 would go to state parks for operations. The League of Arizona Cities

and Towns feels its unlikely it will escape committee. The other is HB2060. Its also related to funding state parks. It would extend the Growing Smarter Measure for two years. It would provide land conservation funds to state parks to keep them operating. These havent been heard. We will put this as a regular agenda item so you can take action if we want to send any pros or cons to the League on bills.

Mayor Adams stated we appreciate those updates. Council received an e-mail today regarding possible further shared revenue cuts that will seriously impact the City. We have some majors concerns about that going forward.

Vice Mayor Hamilton stated St. Patricks Day Parade was last Saturday. It was a sunny day. It was wonderful. He doesnt know how many folks were there watching. It was a fine experience for most all of us.

Mayor Adams stated on February 26 we had Breakfast with the Mayor. Thats a good opportunity to sit down and share information with Main Street and the Chamber. We shared what the state of the City is.

Tim Ernster stated its a roundtable where all attendees talk about their agency. We talked of planning an event for the completion of SR179.

Mayor Adams stated were talking of having that (Breakfast with the Mayor) a couple times a year. On March 2 the Rotary Club held a candidate forum. On March 18 will be Legislative Day in Phoenix. Its a good opportunity for us to discuss issues at the state.

Hed like to quickly recognize former mayor Susan Salomon. We also have the councilmember elect. He told everyone to rise and be recognized and congratulations.

#### **4.Reports and discussion on Council assignments.**

- ▶ Vice Mayor Hamilton stated he attended the NACOG meeting for the first time. He encourages all Councilors to attend. He attended the Coconino County Water Advisory Committee. Theyre looking at the impacts of uranium mining. We think were immune from that. But its got potential for creeping up this direction as well. The Parks & Rec has an interview Friday for a new member.

Councilor DiNunzio stated he attended the Main Street meeting before the parade so they were actively involved with pulling that off. Theyve applied for small grants that will allow

them to make signage improvements coming up SR179 to link Tlaquepaque with Uptown. Those grants have been delayed. That project is on hold. He also attended a Historic Preservation Commission and took a fieldtrip to the wagon wheel section of town. They remain active in cataloguing properties that could become our inventory.

Mayor Adams stated we were approved for funding for the Airport Road traffic signal. He asked for discussion for the next economic development meeting with NACOG to see what other cities are doing regarding state park closures. On Thursday, February 26 we had the Verde Valley Intergovernmental meeting in Jerome. SRP and Prescott agreement was brought up regarding Chino Basin pumping. That's an agreement in principle but it's a big deal. On Friday, March 19, from 2:00-4:00 we'll have the Yavapai County Mayor Manager meeting in Sedona.

**5.  Public Forum: Limit of three minutes per presentation.**

**This is a time for the public to comment. Council Members may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. 38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.**

*Mayor Adams opened the public forum at 4:44p.m.*

Paul Chevalier, Sedona, stated he came tonight to ask to put on the next agenda reconsideration for your decision on lighting. There's no question that the five of you that voted did it because you believed it's the best thing for Sedona. But there's more at stake than your own personal feelings. There can be no question that you do not have the consent of the governed here. The American Creed was adopted in 1918 after a year-long competition with 2,000 people entered. This is the code the government is to rule by. Just powers are derived from the consent of the governed. Put this back on the agenda and follow what is the will of the people. You may have a reason not to do this in addition to your own feeling. You've heard ADOT will install it anyway. These statements are contrary to ADOT's longstanding policy to never make changes with local government approval. Unless ADOT has changed its policy, it's misled our Council. Ask ADOT about the policy in the legal decision. For those of you leaving office, this is your chance to leave the City in a state of harmony. Please reconsider your decision. Instead of following your own will follow that of the people.

Doug Blackwell, Sedona, this is for Tim Ernster mainly. Statistically speaking if continuous lights are installed for two miles on SR89A there is a likelihood accidents would go up

than down. This is how statistics could have helped us make Sedona safer. In 2009 there were 100 crashes, no injuries during the day, 14 at night. Of the 14 nighttime crashes, 3 were in the dark, 11 were in the lights. He had this conversation with Eric Levitt; he agreed with me that accidents would go up. He also had the conversation with ADOT engineers, two told me that's a possibility. If lights are forced on Sedona, he'd like Tim to ask the police department to supply him with crash and injury data for 2011-2013. Remember those who fought for medians were right. The lights weren't going to do it and lights haven't done it. This is many years down the road.

*Mayor Adams closed the public forum at 4:51 p.m.*

#### **6.Awards and Proclamations:**

**a.  Awards:**

- (1) Presentation of a plaque to Historic Preservation Commissioner Richard Mayer for his service.

Kathy Levin stated she appreciates the opportunity to express her feelings about Richard Mayer. She jokingly said he wasn't a team player, but he's a great results oriented solo artist. Richard envisioned the photos, he found the photographer, he arranged for the mounting in Phoenix and he installed them himself. He's not a team player. Richard recognized that Sedona's mid-century homes had good architects. We anticipate some of these early homes will be recognized in their time. Richard can call out materials needed to restructure and lead towards. He only served one term, but in that one term he accomplished a lot. He'll be missed.

Mayor Adams read a plaque to Richard.

***Motion to approve the award by Councilor DiNunzio. Councilor Scagnelli seconded. Vote: Motion passes unanimously with seven (7) in favor and zero (0) opposed.***

**b.Proclamations: None**

#### **7.Consent Items:**

**The consent portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items approved will be done by one non-**

**debatable motion passed unanimously. Any member of the Council, staff or public may remove any item for debate. Items removed from the consent portion may be acted upon before proceeding to the next agenda item.**

**a.Approval of Minutes:**

- (1)December 8, 2009
- (2)January 12, 2010
- (3)February 23, 2010
- (4)February 24, 2010

**b.Liquor License(s): None**

**c.Approval to appoint David Arnett to the Arts & Culture Commission to fill a vacancy expiring January 2013.**

***Motion: Councilor Colquitt moved to approve the consent agenda. Seconded by Vice Mayor Hamilton. Vote: Motion passed unanimously with seven (7) in favor and zero (0) opposed.***

**8.  Discussion/presentation/possible action on the boundary agreement between Cottonwood and Clarkdale for information purposes to possibly consider a boundary agreement between Cottonwood and Sedona.**

Mayor Adams stated we have Mayor Diane Jones, Doug Bartosh and Richard Dehnert. Thank you for coming tonight.

Richard Dehnert, member of Clarkdale town Council. Mayor Doug Von Gausig was delayed. Perhaps hell get here while were talking. Richard started the conversation about the boundary agreement that exists between Clarkdale and Cottonwood. For some years there has been a sibling rivalry between the two. There has been an exchange of views that sometimes was a bit antagonistic. Hes new on Council, 2 years, and he wanted to see if theres something to do to alleviate that situation. He contacted Vice Mayor Karen Pifer. You have to have a partner with whom to negotiate. Karen and he have been friends. We talked about turning down the heat between Cottonwood and Clarkdale. Karen and I decided that one of the things creating the conflict between the two was previous annexations and mistrust that both municipalities had regarding that history. We felt if we created a boundary agreement there wouldnt be concern that they were going to be outflanked or the other would annex lands of interest to the other. We took advantage of the situation at that time. Cottonwood and Clarkdale both

agreed that 10 square miles north of Cottonwood should remain open space. Clarkdale didnt want to annex it; Cottonwood thought annexing was the best way. He and Karen convinced both our councils to negotiate a boundary agreement to alleviate that mistrust. The negotiations took place between he and Karen. City Manager Bartosh and the city manager of Clarkdale. There were only four of us at the table. We wanted to keep it as simple as possible. The towns are basically adjoining. Draw a line were Clarkdale and Cottonwood meet north and draw a line and do the same at the south point. There was some give and take on both sides. We ended up with an agreement we feel is workable. It not only has served to alleviate those annexation races. It has also improved relationships in general. Its important to have a goal in mind that both can agree on from the beginning.

Diane Jones, Cottonwood Mayor, in reading the paper Sedonas talked about annexing to your wastewater treatment plant. Cottonwood has had a lot of communities annex around us. We havent participated in that. We were concerned about that with Camp Verde annexing up to our borders. Then there is the issue with Highway 260 because thats the only way to get out of the Verde Valley. We all need to work together. Since the item is an issue with Cottonwood and Sedona she appreciates being invited today. She encourages Sedona. We work well together. We have the issues with the state trust land. Everyone wishes it werent state trust lands, but it is. Theyre mandated by the constitution on how theyre dealt with. Weve invited Sedona to be on our city managers think tank committee. We do support state trust land reform.

Doug Bartosh, Cottonwood City Manager, stated there was a lot of discussion about the legality of this agreement and the ability to bind future councils. Thats still up in the air. If your council considers pursuing this, we might want to look at that even more. It has eased a lot of tension in terms of creating more trust between the two communities.

Richard stated we both have city attorneys and they dont agree. We pared back the agreement to the point where Cottonwoods attorney could agree to it. We wanted to have it a permanent agreement. That wasnt acceptable to Cottonwoods attorney. Now its automatically renewed unless a party gives notice that they wont approve it.

Diane stated she was pleased with the fact that if an entity would not like to be in the agreements there is a mechanism where they could choose Cottonwood or Clarkdale. She was concerned about Quail Springs. Its a new subdivision. The gentleman she talked to said they wanted to be in Cottonwood. This gives them the opportunity to choose.

Mayor Adams stated hes not sure if Councilors are aware to where Quail Hills is. How would that possibly be part of Clarkdale?

Diane stated in the agreement itd go south to 17.

Richard stated the line we drew was east of that neighborhood but close to it. If they decided they wanted to be annexed they could go in either direction. An important result of a boundary agreement is that it has alleviated a perceived need to annex open space as preemption. That will help preserve open space in the Verde Valley. Its going to slow down the growth of urban boundaries.

Mayor Adams stated he asked our city attorney to weigh in and give us an answer if its legal or not.

Mike Goimarac stated he looked at the agreement. He talked to Cottonwoods city attorney. His opinion is that there can be no certainty that the agreement would ever be iron clad. To tie the hands of a council 20 years from now on something thats nebulous. Theres no answer to this because its never been argued in the state. There are statutes that imply cities can agree to these. It doesnt say though that those agreements would ever be controlling when you have an annexation war between two cities. He doesnt know though if thats a reason not to pursue such agreements. Some agreement is better than no agreement in terms of resolving conflicts. Thats the best opinion he can give. Its uncertain in Arizona. Annexation is a legislative act. You cant tie the hands of future councils. To say they cant have some beneficial affect, hed have to say that they can and weve heard tonight how they can be beneficial in terms of resolving disputes.

Councilor DiNunzio stated given everything between us and you is forest service land, did the forest service participate?

Richard stated they werent part of the negotiation. We knew their feelings but we didnt feel we need to go to the forest service to draw a line across forest service land that we determined would be the line.

Vice Mayor Hamilton stated in 1998 the communities of Camp Verde, Clarkdale, Cottonwood and Sedona signed something that speaks to maintaining open space between us. Were you aware of this? He sees nothing included in the documents on it. Yours seems more about dividing up the pie. It seems like the fundamental difference

between one that currently exists and the one youre proposing.

Diane stated she doubts if Councilor Dehnert was aware of it. She was aware. She worked for Supervisor Davis when it was initiated. New councils dont always know about these agreements. Some of the lands between Camp Verde and Cottonwood can accommodate this resolution. The challenges we face are issues with private property. Cottonwood and Clarkdale were joined at the hip before that was initiated.

Vice Mayor Hamilton asked if she regards it as being obsolete. How do these things get transferred to the next?

Diane stated the Verde Valley plan we did has some of this in it. Were fairly protected with the NSA passing soon. We have 20% private property in the Verde Valley so we should be protected.

Vice Mayor Hamilton asked if she would object to incorporating. Hes curious how the old agreement is being incorporated into the boundary agreement.

Richard stated a boundary agreement isnt an annexation agreement. Its an agreement that we wont annex on their side of the line. It removes the perceived need for preemptive annexation. This agreement facilitates that open space agreement done in the 90s and provides a tool to preserve that open space.

Mayor Adams stated Mayor Von Gausig is here. He asked him if hed like to share some information.

Doug Von Gausig, Clarkdale Mayor, stated he brought a map. He showed a white line to the north and the south. The agreement says Cottonwood wont seek to annex anything on this side and vice versa. No other municipality is bound by these agreements. Clarkdales next agreement like this will be with Jerome. Well start working this summer to draw similar lines to ease our minds. The agreements ease tensions between communities.

Mayor Adams stated at least theres some forethought in doing this.

Councilor Scagnelli asked if its automatically renewed every two years.

Doug Von Gausig stated there was a legal discussion whether an IGA could bind future councils. You have 180 days to notify each other that you dont want to continue

with the agreement. If you don't issue that notice, it automatically renews.

Councilor Scagnelli stated so it's not that permanent because every two years you have the option to cancel it.

Richard stated the reason for the two-year renewal is because our attorneys couldn't agree. Depending on the opinions you get from your attorneys you may have a different term and a different renewal agreement.

Mayor Adams asked Diane Jones if she thinks Cottonwood would enter discussions with Sedona about a boundary agreement.

Diane stated absolutely. We can put it on an agenda. She thinks they would be interested.

Mayor Adams asked how much staff time was taken.

Richard stated it was kept to a small group. Both city managers were at each of the 5-6 negotiating sessions. It was minimal really. We tried to keep it as simple as possible. That's part of its elegance.

Mayor Adams stated besides the amount of staff time and city resources, the cost was practically minimal. Councilor Colquitt had brought up the issue of looking to annex out to the wastewater plant. Annexation is a costly process. Often times it's contentious.

Councilor Colquitt asked Mike Goimarac if there is a legal precedent? Mike Goimarac stated not in Arizona. In other states there has been.

Councilor Colquitt asked if there's a precedent with other communities in Arizona?

Doug stated Chino and Prescott Valley have something similar. We realize the enforcement will depend on the citizens of the two communities. You have to assume everyone is bargaining on good faith. That's the force of the agreement.

Councilor Colquitt asked if this is tied to water rights? Doug stated no.

Mayor Adams stated he was hoping for Council direction to staff to move forward with this or table it. He'd like to get questions answered enough.

Tim Ernster stated there are a couple differences he sees between those two communities and Sedona and Cottonwood. Clarkdale and Cottonwood already had tension and that drove the need to reach an agreement. In our situation we are 17 miles apart. There are no tensions that exist that hes aware of. The amount of staff time involved wouldnt be a challenge. Do the same circumstances exist that compelled them to enter the agreement?

Mayor Adams stated why wait for tension to move forward with the idea. What happens with NSA? Representative Kirkpatrick is dropping legislation with NSA and moving forward. Cottonwood opposed the NSA and hes not sure of the reasoning. Diane stated we were supporting Sedona. Mayor Adams stated hes not sure how that plays into this equation. The concern is the encroachment on the open space between us. Why wait until there is a dispute. It makes the process more difficult.

Diane stated when the NSA is enacted that will protect the boundaries. There would never be annexation into that area by anyone.

Mayor Adams stated hes not sure it would impact the NSA.

Mike Goimarac stated he hasnt researched that.

Mayor Adams stated perhaps its best to see what happens with the NSA. Maybe we could give Mike direction to look into that.

Councilor DiNunzio stated he doesnt see a down side in continuing the conversation. So if in the future we need to make an annexation its not a surprise and its not the beginning of dominos down the Verde Valley because wed have signaled this is a potential future line. It may never get to fruition but we would have moved closer to understanding whats going on in our communities.

Mayor Adams stated he understands Cottonwoods concern with the move Camp Verde made. Is there an idea on Council how we might proceed?

Councilor DiNunzio stated following the next step would that include just the city managers getting together and bringing something back to Council.

Mayor Adams asked why we dont ask Mike Goimarac to research what impact NSA may have in developing a boundary agreement? Then Council can take the next step

after that.

Councilor Colquitt stated she guesses thats okay. Even when we were talking about annexing to the treatment plant, you cant do anything with that forest land. Its worth discussing but the fact that it may or may not be binding it at least opens the door that every two years theres discussion. She has problems with putting fixed boundaries in any community because theres no way of knowing what youll need in 20 years.

Councilor Scagnelli stated her gut feeling is to table it for the reasons Tim brought up. She doesnt see it as a burning desire but if Council wants to do it, no problem.

Vice Mayor Hamilton stated Tim Ernster was saying staff has other priorities above that. Maybe theres no real urgency about this. If Mike Goimarac has time to explore the question with the NSA moving forward might be enough. Its not broke; we dont need to spend time fixing it.

Tim Ernster stated thats a fair description of his assessment. Its not a real issue right now. The city manager of Cottonwood and I have already divided up the Verde Valley. We have a lot of work ahead of us with the budget. If Mike Goimarac wants to research thats a great next step.

Mike Goimarac stated he could research that and bring it back to Council. Hell see where the legislation goes first.

Diane stated Cottonwood Council isnt against NSA. We were looking to support Sedona. We support Amendment 12. Sedona had written what they thought would be appropriate. We submitted we support Sedonas version.

► **Mayor Adams recessed at 5:40 p.m. for 10 minutes.**

► **Mayor Adams reconvened at 5:52 p.m.**

9. ► **Discussion/possible direction to staff to move forward with an amendment to the Sign Ordinance creating a limited exception to the Citys ban on off-premises signs by allowing certain off-premises directional signs to enhance traffic safety.**

Tim Ernster stated weve been working with Al Spector regarding a request for signage on SR89A to make it clearer where his property is located. Weve had some meetings with Mr. Spector. There are some options.

John OBrien stated this issue goes back to June 9 Council meeting at request of Mr. Spector, owner of LAuberge. Council concurred to have staff pursue working on amending signage for businesses that dont directly have highway frontage. In September, after looking into the issue further, the city attorney expressed concerns. So staff met with Mr. Spector and his attorney in December. She suggested a way to carve out a limited exception to our sign code. At the January 27 meeting, Councilor Scagnelli requested the item be placed on a future agenda. P&Z hasnt involved yet. P&Z would consider the issue at a public hearing. It would come back to Council for final consideration for the actual ordinance. The sign code issue began because of LAuberges request. Staff started conversations with ADOT about placing a sign in the ADOT right-of-way. If ADOT concurs that such a directional sign is necessary, staff would work to make sure such a sign is installed. Itd be a low sign maybe 4-6 square feet in size. This would address LAuberges request for some type of sign on the highway. Currently our sign code prohibits off premise signs. If we can find a way to do it without amending our sign code thats staffs preference. We just started these conversations with ADOT. If we can do that first, if it isnt, then amending the sign code is the next step. Weve asked ADOT if theyd be supportive of a directional sign. This isnt typical for them. We got a “well think about it.” We should have an answer in a couple weeks.

Tim Ernster stated we should establish a deadline for ourselves.

Mayor Adams stated we want to get it resolved one way or another.

Al Spector, Sedona, and Susanna Durant, owners of LAuberge. Al stated you are all familiar with the issue. As you proceed north on SR89A, its difficult to see LAuberge Lane. By April 15 well reopen LAuberge Lane. The number of cars per day that go down to LAuberge is 300-1,000 per day. The vast bulk of people dont know where to turn. They go into Uptown looking for us. People make illegal U-turns, then make an illegal left turn over two double yellow lines. Its not a question of if theres going to be an accident. Its a question of when. At first we asked if we could have a sign on our easement. Thats not part of our City Code so we asked for a directional sign. Its allowed in Napa for example. It has the name with an arrow. If you have a primary, exclusive access off 89A and its through an easement property then its a matter of traffic safety. We would have a sign that would say “LAuberge” with an arrow. He thinks staff agrees there are only two cases where this situation would be true: LAuberge and Los Abrigados. This is a limited situation and wouldnt open up to have lots of people wanting to do this. LAuberge generates more traffic than any other

business and its the most difficult place to get in and out of. He suspects if theres an accident well all get sued. Tonight, John OBrien let me know that hes had these conversations with ADOT. He echoes the Mayors concern. Its a better solution because your right of way starts further into Uptown. Youd probably have that sign closer to the roundabout so itd be a better location. He agrees that preference would be if ADOT allows it. If it doesnt he hopes Council asks staff to take this back to P&Z. If you think ADOT can respond in a few weeks.

Councilor Scagnelli asked how many rooms you are going to have when its completed?

Al stated well have 89; 26 are hotel rooms, 63 are actual cottages. There are two people in each. The traffic generated is because we have extensive Sunday brunch. A couple of Sundays ago we were swamped because we had the brunch for the Film Festival.

Councilor DiNunzio asked how large will the restaurant be?

Al stated inside there are 50 seats but we have the seating on the creek as well, about 70-80 seats in total. We havent added any seats.

Councilor DiNunzio stated when sending people to LAuberge we had to be detailed in our direction.

Al stated when you started the work on SR89A we were allowed to put a sign out that said LAuberge. The number of calls to our call center declined 70% in terms of people asking how they get there. Now theres no guidance to give them other than you almost have to turn right immediately. Our parking garage just opened on the bottom level. That will be helpful because well use valet parking. Well generate less traffic on 89A. That is always our number one complaint. The Mayor couldnt find it the first time he went there.

Councilor Colquitt asked how they handle southbound traffic on 89A?

Al stated we dont. The vast bulk of our traffic isnt coming from Flagstaff. Were going to have to educate people and its going to be difficult to do. Its tough because during construction were constantly seeing contractors or the vendors turning left.

Councilor Colquitt asked when youre coming out of LAuberge and you want to go to West Sedona?

Al stated the real solution will be there is a plan for a roundabout near the art center. Theyll have to turn right and go up to the roundabout and turn around.

Councilor Colquitt asked if one sign will solve any of this?

Al stated hed guess 75% of the traffic comes in from the roundabouts now.

Councilor Scagnelli asked if its just LAuberge Lane now?

Al stated there are Little Lane and LAuberge Lane.

John stated the sign would say LAuberge Lane only.

*Mayor Adams opened it to the public at 6:09, not seeing any, he brought it back to Council.*

Councilor Scagnelli stated she understands how this sign would help LAuberge but what about Los Abrigados?

John stated this solution wouldnt help them.

Councilor Scagnelli stated were a tourist town. If it was just us wed know where things are, but its a problem everyday for people. Those are two big destination properties that are hard to find. We should be able to simply change our ordinance for destination properties. Sky Ranch Lodge is literally off a road, you look for Airport Road. If theres a way to do that and keep it simple than we should do that. We sometimes make it so difficult in this town for our visitors.

Councilor DiNunzio asked where the lane restriction begins going north?

John stated its just after LAuberge.

Vice Mayor Hamilton asked what a reasonable time for dealing with ADOT is?

John stated we could have an answer by next week. If its up, staff will make it a priority to get it installed. If the answer is no and Council directs us to do the

ordinance amendment wed immediately start with that.

Vice Mayor Hamilton stated theres no one here from Los Abrigados expressing a concern tonight.

John stated Los Abrigados hasnt contacted staff needing a sign. They havent approached us. Mr. Spector approached us.

Vice Mayor Hamilton stated we started down this route June 2009, and then it came to a halt because of legal problems. It looks like were trying to find a creative way to circumvent that law. What are Mikes thoughts?

Mike Goimarac stated hes articulated his concerns in the memo to Council. He doesnt want to talk about potential weaknesses in an open meeting. Any time you create exceptions you want to insure you have a rational basis for doing so that justifies the exception. We dont allow off premise signs because we have concerns about aesthetics and affects they have on traffic safety. If you read the memo prepared by Mr. Sectors legal counsel they argue the sign enhances traffic safety rather than reduces it. Whether or not that will hold the day if its challenged, it doesnt know. Its important for Council if we go forward; we want to insure that we articulate the reasons why we feel the exception is important. Its beyond assisting a specific person. If this Council is convinced this sign addresses traffic safety it would sustain the exception if its challenged. Someone who feels the exception is too limited could challenge it. Someone who wants the same exception could challenge it.

Vice Mayor Hamilton asked if we have documentation from the police department in terms of accidents?

Mike Goimarac stated he doesnt know if you have to have so many accidents before you can create an exception. They realize you know the city better than you. Theyre going to rely on the testimonies they hear from people. We heard evidence today that would stand up.

Vice Mayor Hamilton asked if we would need any data at all?

Mike Goimarac stated it would be helpful but he doesnt know if we collect that data. Youd have to read every police report to get that. Hes not sure courts demand that exacting showing. Theyre looking at the conclusions Council would make on this type of ordinance. After hearing the public and the requesting party, what kind of

conclusions do you make? P&Z would analyze this too. This street is hard to locate. Thats readily provable. We can apply the kinds of problems that can arise from that.

Councilor Colquitt stated were speaking of SR89A and SR179 correct? When were talking about changing the sign code?

Mike Goimarac stated wed ask P&Z to look at the business district. Thats where most traffic problems occur. We wouldnt have to make it applicable to the entire city. The City would look at is it reasonable to limit this exception to a particular location? The business district area would be a reasonable exception because of the types of concentrations we have.

Councilor Colquitt stated she doesnt want to weaken the sign code and she doesnt want any loop holes, so shed envision specifying specific locations. We have to be visitor friendly you cant invite them here then not show them where to go. She doesnt want this to be open-ended where we lose effectiveness of the sign code. She wants to do it on a case-by-case basis and set benchmarks. In order for a business to qualify theyll have to reach the benchmarks. She wants to protect the ordinance.

Councilor DiNunzio asked if 89A at LAuberge is owned by the City?

John stated just north of there is where it turns into city right-of-way, that was part of the turn back of 2003.

Councilor DiNunzio stated if ADOT declines a directional sign, is an enhancement of the sign an attractive option the City would consider?

John stated thats a good point. We did that 6 months ago for LAuberge to make that sign bigger. Thats another option to make the street sign larger.

Councilor DiNunzio stated the entire sign could become more elaborate and eye catching.

John stated hed want to get with our streets department because there is a manual. They have to meet certain standards.

Al Spector stated the directional sign will be bigger than the street sign. Something that might work is if we could have where the street sign is, something thats so distinctive that we could tell people thats where it is. If we could build a beautiful red

rock wall, if it were something that you could tell people to look for. Its like Mystic Hills with the water coming down. Thats a viable alternative. Its something that would catch the eye.

***Motion: Mayor Adams moved to direct staff to negotiate an agreement with ADOT to install a directional sign on ADOT right-of-way to identify LAuberge Lane. If said negotiations arent successful by April 1, 2010, he moves to approve staff to develop an amendment to the sign ordinance to allow for off-premise directional signs for Sedona businesses that have main ingress/egress easement in the Sedona business district on SR89A or SR179. Seconded by Councilor Frey. Vote: Motion passes unanimously with seven (7) in favor and zero (0) opposed.***

***Amendment: to Sedona business district on SR179 or SR89A. Councilor Frey approved the amendment.***

***Amendment: add "easement" Councilor Frey agreed to the amendment.***

Mayor Adams stated it specifies only businesses that have frontages on SR89A or SR179.

Mike Goimarac stated staff understands what the parameters are. We want to identify LAuberge Lane, the road, not LAuberge.

John stated the easement is an important thing. There are other businesses that dont front SR89A and we could open it up to other businesses. The business district is essentially the Main Street district. Its in our off-premise canvassing ordinance. Its the Main Street district.

Councilor DiNunzio asked if West Sedona considers itself part of the business district? Mike Goimarac stated no.

Vice Mayor Hamilton asked if the motion opens the door to businesses in Hillside or Tlaquepaque?

Mike Goimarac stated hes not interpreting it that way. Youre not telling us what itll say. Youre giving us parameters. Were going to create exceptions that will enhance traffic safety. The ordinance we come back with will address traffic safety concerns. Well flush this out at the commission level. This motion isnt intended to dictate anything specifically. Its giving us general directions so staff can go work on something with the commissions. Dont be overly concerned at this point.

Vice Mayor Hamilton stated he fears were opening a door to unintended consequences.

Mayor Adams stated this will go to staff and P&Z and itll be flushed out.

Councilor Colquitt stated as long as youre aware of loopholes and you take care of it.

10.  **Discussion/possible action on the formation and selection process for a Budget Committee.**

Tim Ernster stated at November 20 retreat Council directed staff to look into creating a budget committee. What you have this evening is a hybrid of ideas weve studied. Its a draft concept. We realize you might want to make some changes to this. We anticipate bringing this back to Council at a future meeting. This would be adopted by resolution at a future date. One point we feel strongly about and we feel should be in the future draft, we feel theres value in treating it as a Council Committee. We feel when members are selected it should be a similar process where we advertise for vacancies like we do for other boards and commissions and some sort of interview process.

Alison Zelms stated this is a concept for discussion that comes from the Council retreat. The main points of the proposal that you have in draft form is the make-up of the committee would be an official Council Committee. The formation would be similar to other Council Commissions and members would serve in established terms. Members would be interviewed in current format and be appointed by Council action. Committee meetings would be posted with an agenda and open to the public with minutes. Once a final structure is approved staff suggests the committee meet after adoption of FY 2010-11 budget to allow for time to gear up for the next budget process. Thats whats in the draft before you.

*Mayor Adams took it to the public at 6:39 p.m., not seeing any, he brought it back to Council.*

Councilor DiNunzio stated on the first page where it talks about the broad goal, hed offer a suggestion to specify looking at budget policy and procedures and recommending possible changes to council and staff. The committee might be a resource at how numbers are put together and reported up the line. On page 10-6, item 7.3, review Council priorities and recommend Capital and Operating Funds in accordance to those priorities. He might recommend to review Council priorities and staff budget. On 7.4 you might add “as directed by Council.” One of the recommended

functions of the committee is to carry the message to the community. What do you envision that role being?

Alison Zelms stated she envisioned that would fit in with Council priority for increased communication with the public. A person from that committee might go to some of those groups and be a representative. Or if our budget process changed to include outreach to the community. If the committee reviewed the Wastewater Rate Study that might be an avenue to explain what the purpose of the study is.

Councilor DiNunzio stated its well done.

Mayor Adams asked if Council had objections to the amendments proposed by Councilor DiNunzio? There were no objections. Mayor Adams stated well direct staff to make those changes.

Mayor Adams stated on page 10-6 Section 8.2, would we define it as a minimum of 4 of 7 voting members?

Alison Zelms stated she just put 50% so it wouldnt matter how many there were. We can say a majority of voting members. She just modeled it after another community.

Mike Goimarac stated “the majority” will be clearer. If you have an even number 50% might not be a majority.

Council didnt object to that amendment. Mayor Adams directed staff to make that amendment.

Vice Mayor Hamilton stated under 2.0 or on page 1, 10-3, near the top where it says committee members must be residents or own a business in the city limits. His concern is about the make-up of the committee. Budgets encompass everything we do. The need to have a broad community spectrum of what the City does on this committee is huge. Hed like to see some type of qualification in one of those two places that indicates the membership needs to reflect the composition of the city. Hed like to see this reflect the makeup. He doesnt have real specifics. Sometimes the best ideas come from people who dont know anything about the subject. Hed like to see that creativity emerge. We need to represent the community broadly.

Mayor Adams stated why dont we work on that.

Alison Zelms stated we could add something under membership and make it clearer. There could be a statement saying the membership should adequately represent the diversity of the community at large. This is a consideration for Council when making appointments.

Vice Mayor Hamilton said thats fine.

Councilor Frey stated under 10-3 under committee membership requirements, hed like to see that theyre a US citizen.

Councilor DiNunzio asked why?

Councilor Frey stated he doesnt like to be represented by a Canadian.

Council didnt object.

Mayor Adams stated this is for staff to come back to Council. Is this something this Council should make a decision on or the next Council? This committee wont be formed until the next Council is seated. Hed like to see the next Council be the one to approve the rules and procedures. Are there any objections?

Councilor DiNunzio stated this committee is being formed under the direction of this Council. It came out of our retreat. So putting it in place seems to be the natural flow out of that. Even though the committee wouldnt start its work until the next fiscal year, steps can be taken to get it in place so they hit the ground running early in the next Fiscal Year. He doesnt see a problem with this moving forward in a timely fashion. Maybe theres a way to include the Council Elect in the selection process.

Tim Ernster stated Alison Zelms and he have talked about it and staff can make it work either way. That process can happen even if next Council appoints the committee.

Councilor DiNunzio stated the formulation of the committee can be in place and its bylaws.

Mayor Adams agreed. The new Council would have the ability to look at that but they should select the committee members.

Councilor Scagnelli stated you could have the process set up.

Mayor Adams stated he doesnt see the reason for doing it because the committee wouldnt go to work until late summer.

Tim Ernster stated we could bring back a second draft, if youre comfortable with that and Council was okay we could advertise openings then the next Council can do the selecting.

Mayor Adams stated hes agreeable to that.

Councilor Colquitt stated she has no objection to the next Council appointing. Her concern is we protect having a broad base of experience to be an effective commission. She has no objection to them appointing the members but it needs to be a broad base. It goes back to the membership that Vice Mayor Hamilton was discussing. It cant be all business but were still talking numbers. She has a little concern.

Tim Ernster stated he hears Council wants a balanced committee. We could bring back language in the next draft.

Alison Zelms stated her intent was the process for selection. Theres still more steps before the selection can occur.

Vice Mayor Hamilton stated were not talking about the actual selection

***Motion: Vice Mayor Hamilton moved to approve a process for creation of a formal budget committee and selection of the committee members. Mayor Adams seconded. Vote: Motion: passes unanimously with seven (7) in favor and zero (0) opposed.***

**11.  Discussion/possible action on future meeting/agenda items.**

Mayor Adams stated the next Council meeting is March 23. There are some selection committees. Parks & Rec this Friday at 10 a.m. and a Water Advisory Committee Monday March 15 from 9-11:00 a.m.

Councilor Scagnelli asked if weve set dates for a series of budget meetings? She needs to go back and see her mother.

Alison Zelms stated they happen in the first week of May. It should be then. Last year we did a presentation in April to Council, but it should be May.

Councilor Scagnelli stated she doesnt want to make plans and pick the wrong week.

Mayor Adams stated the next Council meeting is approaching five hours.

Alison Zelms stated one item did come off.

Vice Mayor Hamilton asked if theres a process that will provide new Council Elect with the process for the budget?

Tim Ernster stated they will be invited to all the budget meetings.

**12. Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:**

**a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. §38-431.03(A)(3).**

**b. Discussion or consultation with legal counsel in order to consider its position and instruct its legal counsel regarding the Citys position in the following pending or contemplated litigation or contracts that are the subject of negotiation, or settlement discussions in order to avoid or resolve litigation per A.R.S. §38-431.03(A)(4), specifically:**

**1) Sedona Grand L.L.C., v. City of Sedona, Yavapai County Superior Court Case No. 820080129.**

**Following any discussions in executive session of the above matters, the City reserves the right to discuss and/or act on any of the above listed legal matters in open session.**

**13. Return to open session. Discussion/possible action on executive session items.**

**14. Adjournment.**

**Mayor Adams adjourned that meeting at 6:58 p.m. without objection.**

**I certify that the above is a true and correct summary of the Regular City Council meeting held on March 10, 2010.**

\_\_\_\_\_  
Alison Carney, Recording Secretary

\_\_\_\_\_  
Date